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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,

No. CR 12-00119 SI

12 Plaintiff,

**ORDER RE MOTION TO FURTHER
LIMIT GANG EXPERT TESTIMONY**

13 v.

14 VICTOR FLORES, et al.,

15 Defendants.
16 _____/

17 On June 30, 2014, the Court heard argument on defendants' motion to further limit the proposed
18 testimony of government gang expert Detective Fukushima. On June 16, 2014 the Court issued an
19 Order narrowing the scope of Detective Fukushima's permissible testimony. *See* Dkt. No. 1085 at 2-3.
20 The Court further ordered the government to provide defendants with a list of the opinions to which
21 Detective Fukushima will testify. *Id.* at 3. On June 22, 2014, the government provided defendants with
22 a revised expert disclosure, pursuant to the Court's Order. Defendants now move to further limit
23 Detective Fukushima's proposed testimony. *See* Dkt. Nos. 1127, 1129.

24 In its prior Order, the Court stated that it would permit Detective Fukushima to offer expert
25 testimony about matters that are outside the sphere of expertise of a typical juror. *See* Dkt. No. 1085
26 at 2. However, given the ambiguities in the expert disclosure then before the Court, it was difficult for
27 the Court to rule in any detail regarding specific permissible opinions. The government's June 22, 2014
28 disclosure is far more detailed, and the Court therefore rules as follows, mirroring the government's

disclosure's paragraph numbering:

(1) Detective Fukushima may testify that "*Nuestra Familia* is a prison gang composed largely of Hispanic males from Northern California. It was formed in the late 1960s in the California Prison system. Its main rival is a prison gang known as the Mexican Mafia."

(2) Detective Fukushima may testify that *Norteno* street gangs fall under the *NF*'s umbrella, and generally follow its directives and rules. He may also testify regarding all proposed testimony regarding "kites." He may further testify to everything in footnote one, except for the following sentence: "However, 500 Block/CPL [sic] versus CPL violence often goes unreported."

(3) Detective Fukushima may testify to everything set forth in paragraph three.

(4) Detective Fukushima may testify to everything in paragraph four, except for the final sentence that reads: "*Norteno* gangs in South San Francisco that are rivals are 500 Block and C Street on one side and their rival Cypress Park Locos on the other."

(5) Detective Fukushima may testify to everything in paragraph five, except for his characterization of 500 Black and C Street as *Norteno* street gangs.

(6) Detective Fukushima may testify to everything in paragraph six.

(7) Detective Fukushima may testify to everything in paragraph seven.

(8) Detective Fukushima may not testify to anything in paragraph eight.

(9) Detective Fukushima may not testify to anything in paragraph nine.

1 (10) Detective Fukushima may not testify to anything in paragraph ten.

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3 (11) Detective Fukushima may not testify to anything in paragraph eleven.

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5 (12) Detective Fukushima may not testify to anything in paragraph twelve.


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7 (13) Detective Fukushima may testify to everything in paragraph thirteen.

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9 (14) Detective Fukushima may testify to everything in paragraph fourteen.

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11 This Order resolves Docket Nos. 1127 and 1129.

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13 **IT IS SO ORDERED.**

14 Dated: June 30, 2014

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17 SUSAN ILLSTON
18 UNITED STATES DISTRICT JUDGE
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